IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1591 of 2006

M.K. Bhuvaneshwaran .. Petitioner

versus

Apollo Tyres Ltd. .. Respondent

...

Mr.P.M. Patel for the petitioner.

Mr.A.D. Shetty a/w Rita Joshi for the respondent.

CORAM : D.G. KARNIK, J

DATED : 11th July 2006.

P.C.:

1. Heard counsel for the parties.

2. By this petition, petitioner workman challenges the order dated 3rd September 2005 passed by the Industrial Court Mumbai in the revision. The petitioner applies for computation of the amount payable to him and an order for payment u/s.50 of the MRTU & PULP Act. By an order dated 1st January 2005, the Labour Court computed the amount at Rs.6 lacs and after giving a credit of Rs.1,95,281/- already paid by

the respondent employer directed it to pay the balance amount to the petitioner workman. It appears that the petitioner was not aggrieved by the said order as petitioner did not challenge the said order by filing a revision or any other proceedings. The respondent employer however was aggrieved with the said computation and filed a revision u/s.44 before the Industrial Court which held that the petitioner was entitled to get a sum of Rs.5,50,000/- instead of Rs.6 lacs as computed by the Labour Court. After giving a credit of Rs.1,95,281/- the Labour Court directed the respondent to pay the balance amount to the workmen. That order is impugned in this petition.

3. The question as to what was the exact amount due to the petitioner is a question of fact. The Industrial Court has computed the said amount and has given appropriate reasons for the said calculations. In the absence of any perversity, the findings of fact cannot be reopened in exercise of a writ jurisdiction. I am satisfied that the calculations made by Industrial Court are proper and in any event not perverse.

4. In the circumstances, Writ Petition is rejected summarily.

D.G. KARNIK, J